

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held its regularly scheduled meeting on Thursday, September 18th, 2025. This meeting was held at the Garden City Lakeview Building, located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:00 p.m.

Town Council Members Present:

Mike Leonhardt, Mayor
Pat Argyle
Ken Hansen
Martell Menlove- was excused
Jordan Parry

Others Present:

Cathie Rasmussen
Nadine Sprouse
Jeff Hodges
Dana Hudruk
Brad & Jayne Davis
Austin Clark
Crystal Newman
Julie Fraughton
Nancy Gibson

On Teleconference:

Greg Klobberdanz

Pledge of Allegiance and Prayer

A prayer was offered by Council Member Argyle. The Pledge of Allegiance was led by Mayor Leonhardt.

1. Roll Call

Mayor Leonhardt asked for a roll call of Council Members present: Mayor Leonhardt, Council Member Argyle, Council Member Hansen, and Council Member Parry. Council Member Menlove was excused

2. Approval of Minutes

- a. August 14th, 2025, minutes of the regular Town Council Meeting and minutes of the August 14th, 2025, Public Hearing.

Council Member Hansen made the motion to approve the minutes of the August 14th, 2025, regular Town Council Meeting, and the minutes of the August 14th, 2025, Public Hearing. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for. Motion Carried.

3. Public Comments – 2-minute time limit

Nadine Sprouse reported that the trees along the path below her house have gotten really big again. The whole path is grown over.

4. Business License Discussion/Approval

- a. Shave Ice House, LLC. 105 S Bear Lake Blvd. Karl Israelsen

Crystal Newman was present. Mayor Leonhardt said that he knows some parking issues have not been resolved. CM Argyle has talked to her boss and understands the need to do it in January. Mayor and council recommended that they just apply in January.

No action was taken.

- b. Bear Lake Pickleball Club, LLC. Nonprofit Group. 1499 S Bear Lake Blvd. Brad Davis, Gail Nichol, Jayne Davis, and Dana Hudrlik

Their 501(c)3 status has not been approved yet. They have applied, but there is a wait. The mayor waived the fee for the business license because it is a nonprofit organization, and they intend to use a portion of their funds to benefit the Pickleball courts and other projects. They discussed their desire to purchase some windbreaks for the courts.

Mr. Davis has reached out to the Raspberry Days committee, and the club is offering its assistance for the Pickleball tournament during Raspberry Days. They also discussed raising money through sponsoring banners on the court.

Council Member Argyle made the motion to approve the business license for Bear Lake Pickleball Club, LLC. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for. Motion Carried.

5. PID Letter of Intent and Concept Discussion/Approval

- a. Letter of Intent for Affordable Housing PID and concept approval for 75 apartments/condominiums on 5.44 acres located east of the Chevron Gas Station. SolidCast Structures LLC. Greg Kloberdanz

Greg Kloberdanz was on the phone with his business partner. They are planning on building SolidCast concrete prefabricated affordable housing, like what is being built across the street. 75 units on 4 of the acres identified on the plat. The north, triangular 1.44-acre piece may be commercial condos with housing above and garage-type business below. They have 2 different options for ingress/egress, both affect Highway 89.

CM Argyle asked what the price point would be. Their goal is to get below \$200,000 with the PID, to be affordable. Argyle called the county and learned that the property tax would be \$1,191.32. With the PID tax, it is approximately \$1293 on top of the property tax. The PID would act as the HOA, so there would be maintenance costs to the HOA, like snow removal, green space upkeep, etc.

Mayor Leonhardt asked about their intent to restrict nightly short-term rentals. The HOA will stipulate that it's not allowed, was the answer. Their CCRs would state no nightly/short-term rentals allowed in the HOA.

CM Argyle asked if there is a timeframe the unit must be owned before resale is possible. She is concerned that someone would come in and buy at the lower rate, then turn around and resell at a higher rate. She wants assurance that that could be hindered. She would like an attorney to review that and determine if that can be regulated so those with money can't buy up the units and resell them at an "unaffordable" rate.

When asked, 1000-1200 sq feet is the size for the one-and two-bedroom units.

CM Parry shared a question from CM Menlove, "What is the benefit to the community with this PID?" They answered that there would be green space, pergolas, Pickleball courts, etc. They are willing to take suggestions on what the city would like to see.

CM Parry asked if they've contacted their neighbors and getting their feedback. Mr. Kloberdanz said, no, they are waiting to see if the town will approve the Letter of Intent.

CM Hansen expressed concern that there may be an obligation to Bear Lake Vistas because the Town Council did approve the phases and the master plan as a whole. Mayor Leonhardt would like it to be more specific about public amenities for the community, as well as the acreage breakdown, and a little more information than what is currently in the letter.

CM Hansen asked what "horizontals" are. Kloberdanz responded, "Infrastructure like sewer, water, etc."

Mayor Leonhardt allowed Brad Davis to ask a question regarding the canal. Mr. Davis wanted to know how close this project would be to the canal, and are they proposing any changes to the canal? The answer was that they are not, and proper setbacks would be observed.

There was no action taken.

6. Resolution Discussion/Approval

- a. Resolution #25-08, A Resolution of the Town Council of the Town of Garden City to Declare the Official Candidates for Town Council Members Elected, for the Election on November 4, 2025.

Council Member Hansen made the motion to approve Resolution # 25-08, A Resolution of the Town Council of the Town of Garden City to Declare the Official Candidates for Town Council Members Elected, for the Election on November 4, 2025. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for. Motion Carried.

7. Ordinance Discussion/Approval

- a. Ordinance # 25-09, An Ordinance Updating Conditional Uses

CM Hansen understands this process is complicated, and he's concerned that the Planning Commission and Town Council will have to act as engineers, etc. There are concerns with #2, 11, etc. Because it's a conditional use, can it be regulated tighter than what's written in the ordinance?

Upon review, some things need to be changed. Please make the changes and have the town attorney review.

No action was taken.

8. Miscellaneous Discussion/Approvals

CM Hansen asked how long the construction in the canyon will continue. Mayor Leonhardt explained that it should be completed by next fall. CM Parry wondered how this project has impacted Garden City's economy.

CM Parry said 2 individuals are interested in pursuing the possibility of a skate park. He suggested a pump track and explained the popularity of them.

Mayor Leonhardt asked for suggestions on what the senior citizens in the community can do. He asked if the new library space would support something like game nights, etc.

9. Council Member Reports

CM Argyle – planning the thank you dinner for Raspberry Days. Some of the park equipment has arrived, but not all of it. She turned in paperwork for the TRT grant for playground equipment.

CM Hansen – almost complete planning the infrastructure for the new well. They have some options in building the well. There will have to build a building at the well site. They will pump the well and develop it a bit before they put the well online. It will be a while before they can get the 3-phase power because it's hard to find a transformer.

The floor was poured in the library extension building. They are accommodating the people who rent the laundry facility. They will make one really nice restroom and soundproof the other one to put the piano in there. It will be a flex room, so they can change the purpose of the room at a later date if needed.

CM Hansen spoke with Riley Argyle, the Public Works Director, and there are 17 storyboards for the story walk. They want to coordinate the lighting around the pond with the story walk.

CM Parry – reported that the Pickleball tournament was amazing. He loved hearing from participants how great people thought the town and the tournament were.

Mayor Leonhardt shared the TRT grants we submitted for this year. One was for Lakeside Bowery improvements, short-term rental licensing software, lighting around the fishpond, a second pavilion at Heritage Park, bleachers around Pickleball courts, and more at the ball diamonds, and playground equipment for both parks.

Nadine Sprouse wanted to acknowledge Austin Clark for the amazing community dinner he hosted for the locals at the Burger Barn. She saw people hugging each other and talking and visiting. The mayor said it was on his list to thank Austin. Austin thought a kick-off to summer would be a fun one and an end-of-summer bash. Mayor Leonhardt thought spring clean-up and dinner would be a great way to get people out. Austin suggested starting at 5 pm and finishing at 10 pm with bounce houses, face painting, etc.

CM Hansens said that Austin Clark was one of the businesses that actually went out and cleaned up in front of his place, sweeping the gutters and keeping things clean. He wanted to express his appreciation for that effort and stated that it did not go unnoticed.

Mayor Leonhardt explained to the public how TRT taxes are generated and explained that if towns are not generating TRT tax, they cannot receive TRT money. He wanted to state that, with the exception of one project, all projects he's applied for have been funded.

Dana Hudrlik asked if some of the money is for police, fire, etc. Can the city receive funds for its own police force? Mayor Leonhardt responded that it's possible, but if the TRT money is not given each year, the city would have to be able to fund that with its own budget. She followed up by asking about a rec center. Mayor Leonhardt explained the history of the council planning to build one, but the town would have to bond. That vote to bond failed.

10. Payment Vouchers

Council Member Hansen made the motion to pay the bills. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for. Motion Carried.

11. Adjournment

There being no further business, Council Member Argyle made the motion to adjourn at 6:38 p.m. Meeting adjourned.

APPROVAL:

Attest:

Michael Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

September 29, 2025

Town of Garden City
c/o Mayor Mike Leonhardt
69 N. Paradise Parkway, Bldg. B.
P.O. Box 207
Garden City, UT 84028

Re: Letter of Intent to Create a Public Infrastructure District to Facilitate Affordable Housing

Dear Mayor,

Please accept this revised Letter of Intent (LOI) based on feedback received during the Town Council meeting of September 18, 2025.

The affordable housing project will be located directly east of the existing Chevron gas station and convenience store (3.14 acres) and wrapping around the existing Bear Lake Adventure Centre to the triangular piece bordering Hwy. 89 (1.44 acres). A parcel of 4.58 acres will be acquired by SolidCast Structures LLC from Harris Investment Group (HIG). SolidCast Structures will act as the owner, site developer, and builder.

The project will include the following as per the conceptual site plan included herein:

- Ingress/egress from Hwy. 89 as required in consultation with UDOT
- Roads and horizontal infrastructure (utilities, storm, curb, gutter, parking) required to service the project
- Green space including sidewalks, landscaping, and two pickleball courts to benefit the community
- Construction of 90 apartment/condominium type units configured as six 3-story buildings with 15 units/building (5 units on each story)

Further, we wish to clarify the purpose of the project. It is our intent to provide an affordable housing option to residents of Garden City and semi-permanent workforce present in Garden City for a large portion of the year.

As stated in the Economic Opportunity Act – Section 1, Section 63N-3-1601, affordability is calculated using 80% of median gross household income in the county. Further, as suggested by the US Department of Housing and Urban Development (HUD), affordability means that no more than 30% of gross household income should be utilized for rent and reasonable utilities. If we combine BOTH criteria, the units should be priced as follows:

- Median gross household income in Rich county - \$72,849 (Year 2024 - US Census Bureau)
- 80% of median household income - \$58,279
- 30% available for rent and utilities - \$17,483/year or \$1,456/month

As such, it is our desire to achieve the following pricing:

- sale price under \$200,000 or long-term rent at approximately \$1,450/month, including electricity, for the affordable apartment/condominium housing

The project is not intended to service the nightly or short-term rental market. It is the intention of SolidCast to include the following restrictions in the CC&R's of the homeowner's association:

1. To maintain availability of affordable housing within the community, a minimum of 30 units (33% of total units) shall not be resold for more than the initial purchase price plus annual inflation. Two blocks of 15 units may be identified for this purpose.
2. To avoid the units being made available to the nightly rental market, no unit shall be rented for less than 30 consecutive days in length. This restriction enables month-month workforce rental while eliminating nightly or weekly Airbnb type rentals.

Like many communities, the demand for affordable housing in Garden City far exceeds supply. Many reasons exist, however, achieving affordable pricing is difficult when considering cost of land, water shares, Plat process, engineering, horizontal infrastructure, city fees, and vertical construction.

The Public Infrastructure District (PID) Act, in accordance with Utah Code 17D, was designed by the State to assist developers finance public infrastructure – roads, utilities, green spaces, etc. - thus encouraging development and home building by deferring upfront development costs and decreasing sale prices. The creation of a PID requires approval by the City but does not place any liability or financial commitment on the City.

The example below demonstrates the need for PID:

Without PID		With PID	
Land/water rights	1,450,000	Land/water rights	1,450,000
Studies/Engineering	80,000	Studies/Engineering	-
Civil Engineering	150,000	Civil Engineering	-
Consulting, Legal, Permit Fees	500,000	Consulting, Legal, Permit Fees	-
Horizontals	4,750,000	Horizontals	-
General Contracor	540,000	General Contractor	-
Financing	695,000	Financing	46,400
Project Cost	8,165,000	Project Cost	1,496,400
# of Units	75	# of Units	75
Ave Lot Cost/Unit	108,867	Ave Lot Cost/Unit	19,952
Vertical Construction	155,000	Vertical Construction	155,000
Financing	6,000	Financing	6,000
Developer Profit	26,387	Developer Profit	18,095
Sale Price/Unit	296,253	Sale Price/Unit	199,047

As outlined above, affordable pricing is achievable with a PID. As such, we kindly request the City's approval to proceed with development of the proposed project under the assumption that City Council will consent to the creation of a PID within the boundary illustrated should the plan clearly demonstrate

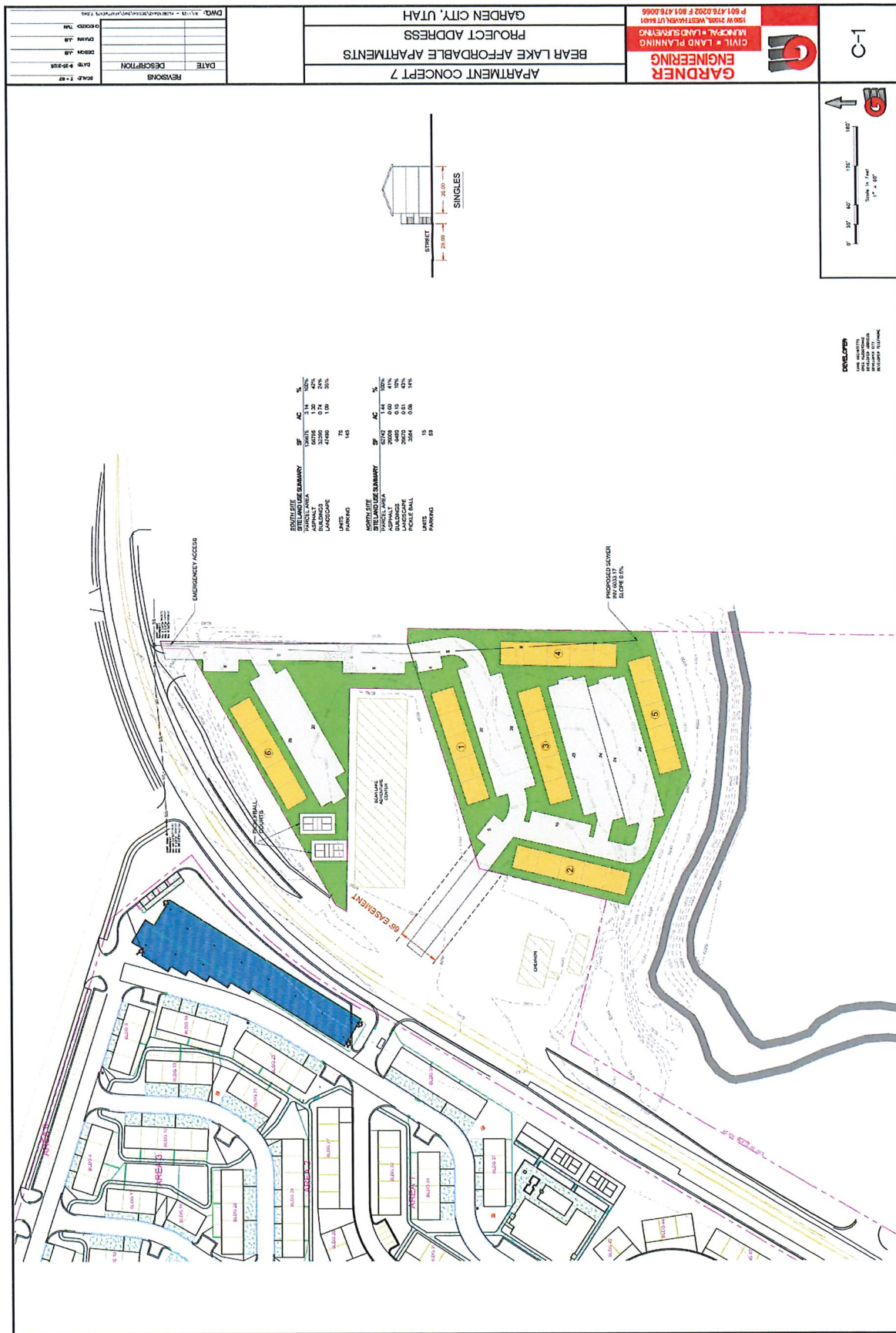
the achievement of affordable housing while meeting the City's planning guidelines. It is understood that the PID would finance the development and horizontal costs through issuance of a 30-year tax exempt bond and that the bond would be serviced by property owners within the boundary. The City would approve an increase of .0065 to the current mill rate **for owners within the PID boundary only** and the resulting new property tax revenue would be used by the PID to service the bonds. To avoid any misunderstanding, the City would continue receiving the portion of property tax related to the existing mill rate levy and the PID would receive the portion of property tax related to the new .0065 levy only.

We look forward to receiving your positive response to this letter so we may undertake the following activities:

- Creation of Preliminary Plat documents for presentation to the Planning Committee.
- Creation of draft governing documents for the PID.

Sincerely,

Greg Kloberdanz
SolidCast Structures LLC



Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

Ordinance Reference:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | 11A-301 |
| <input type="checkbox"/> Appeal | 11B-400 |
| <input type="checkbox"/> Conditional Use Permit | 11C-500 |
| <input type="checkbox"/> Condominium/Townhouse | 11E-524 or 11E-525 |
| <input type="checkbox"/> Encumbrance | |
| <input type="checkbox"/> Extension of Time | Subdivision 11E-503/PUD or PRUD 11F-107-A-2 |
| <input type="checkbox"/> Lot Split/Lot Line Adjustment | 11E-506 |
| <input type="checkbox"/> Plat Amendment (Subdivision) | |
| <input type="checkbox"/> PUD Development Plan | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PUD Phase Approval/Preliminary or Final | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PRUD Conceptual | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PRUD Phase Approval/Preliminary or Final | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> Subdivision | 11E-100 |
| <input type="checkbox"/> Vacation of Subdivision | 11E-523 |
| <input type="checkbox"/> Variance | 11B-308 |
| <input type="checkbox"/> Water Transfer | 13A-1300 |
| <input checked="" type="checkbox"/> Zone Change | |
| <input type="checkbox"/> AEG Meeting, (Affected Entity Group) | |
| <input type="checkbox"/> Public Infrastructure District | Garden City PID Policy |
| <input type="checkbox"/> Other Land Use Permit _____ | |

Project Name: Bear Lake RV Current Zone: Reside Proposed Zone: C3

Property Address: 2300 Kimball Ln

Parcel # 36-04-000-0058

Contact Person: Eric John Phone #: 435-757-4868

E-mail address: ek@lionrockrealestate.com

Mailing Address: 65 E 2900 S Nibley Utah 84321

Applicant (if different): _____ Phone #: _____

Mailing Address: _____

Property Owner of Record (if different): Bear Lake RV Phone #: _____

Mailing Address: _____

Project Start date: _____ Completion date: _____

Describe the proposed project as it should be presented to the hearing body and in the public notices.

Zone change from Residential Estates to C3

Lot Size in acres or square feet: 4.45 Number of dwellings or lots: _____

Non-residential building size: 1200 sq ft

I certify that the information contained in this application and supporting materials is correct and accurate. I have read and understand the requirements and deadlines associated with this application.

DocuSigned by:
ERIC JOAN
Signature of Applicant
Signed by:
Cameron Whittier
EF8A949783A040F...

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

DocuSigned by:
ERIC JOAN
Signature of Owner of Record
Signed by:
Cameron Whittier
EF8A949783A040F...

Signature of Owner of Record

Signature of Owner of Record

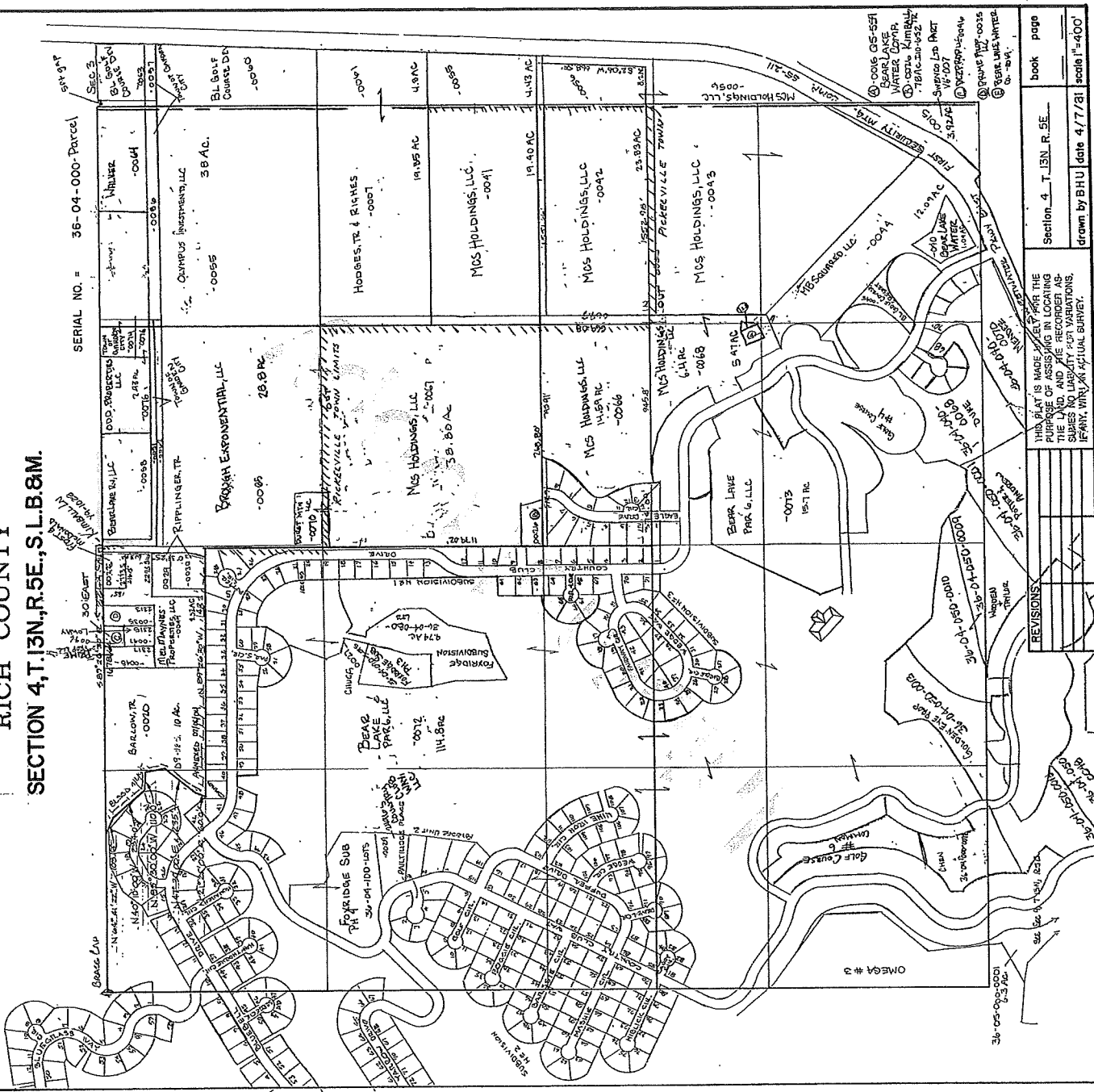
Office Use Only

Date Received: 9/25/25
Fee: \$360.00
By: SA

RICH COUNTY

SECTION 4, T.13N., R.5E., S.1.B.8M.

SERIAL NO. = 36-04-000-Parcel



REVISIONS 	THIS PLAT IS MADE SPECIALLY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND AND THE RECORDS OF THE SURVEY. IT DOES NOT LIE IN A PUBLIC SURVEY. IF ANY, WITHIN A PLAT SURVEY.	Section 4, T. 13N. R. 5E	book _____ page _____
	drawn by BHU	date 4/7/81	scale 1"=400'

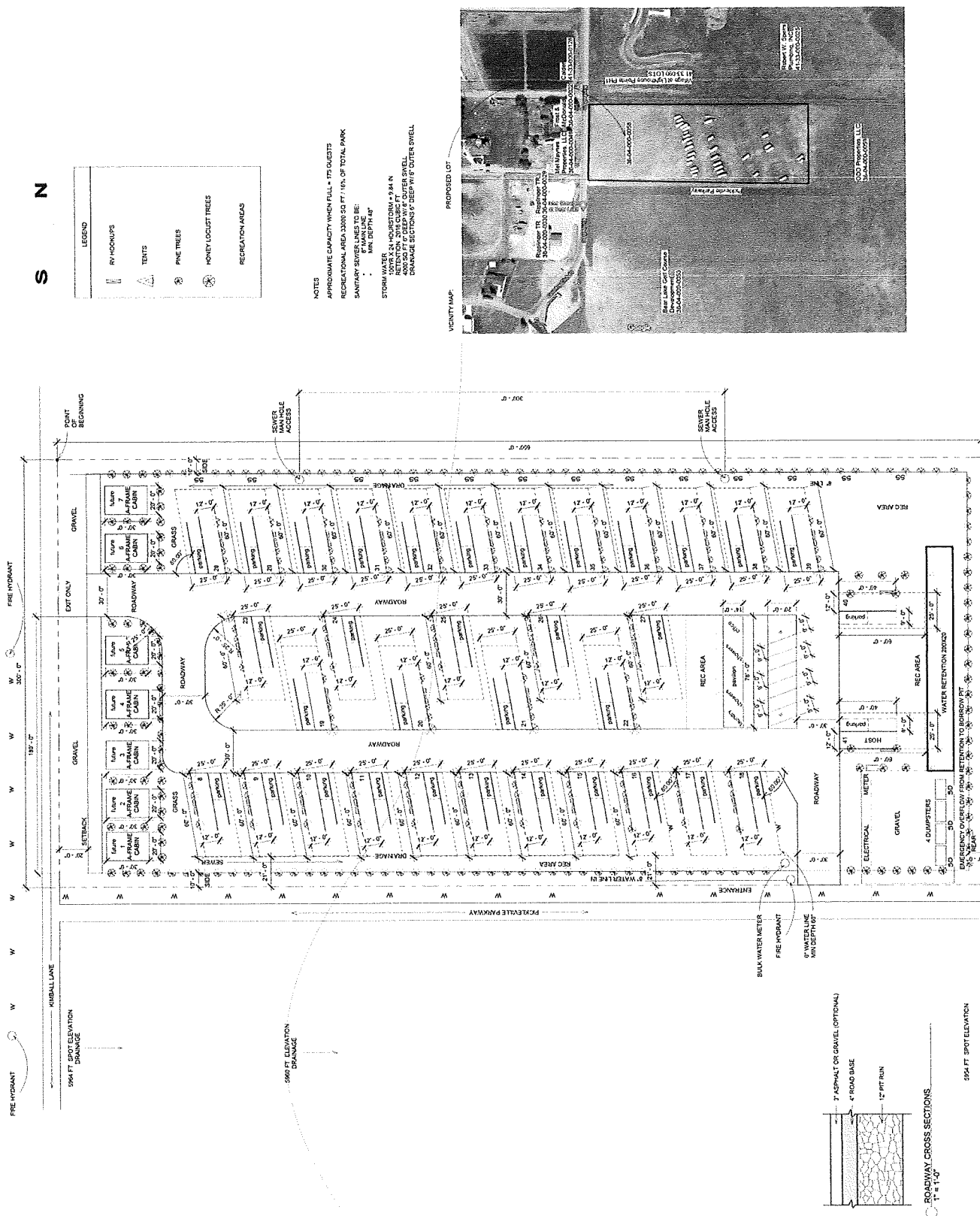
PROJECT #:	RV SITE
DESIGNED BY:	Designer
DRAWN BY:	Sketch
CHECKED BY:	Checker
ISSUED:	Issue Date
ENGINEER'S STAMP:	

BUILDING DEPT STAMP:

SITE PLAN

C100

2022-10-10 10:37 PM



1 Site

1/32" = 1'-0"
TOTAL AREA = 4.45 ACRES

ORDINANCE #25-03

AN ORDINANCE ADDING COMMERCIAL CONDOMINIUM

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW THEREFORE, BE IT ORDAINED BY THE GARDEN CITY PLANNING COMMISSION AND TOWN COUNCIL THAT ORDINANCE 11C-1500 BE UPDATED AS FOLLOWS AND TO CREATE SECTION 11C-1516:

SECTION 11C-1516

This chapter is intended to allow flexibility and diversification in the use of zoning land in Garden City. Condominium ownership of spaces may be allowed as main uses in each of the commercial zones under a Conditional User Permit. Uses of the condominium space shall be limited to those uses allowed in each zoning district. Residential development may also be required to follow the procedures set forth in the Garden City Municipal Code. (XXX)

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared. Nothing in this Title shall be interpreted to state or imply that a condominium project, unit, association or unit owners, or management committee is exempt from compliance with the zoning ordinance, building and sanitary codes, or similar development regulations which have been adopted by Garden City. No condominium or any record of survey, declaration, or other material as required for recordation under this Title or the Utah State Condominium Act shall be recorded in the office of the County Recorder until all attributes of the condominium project have been approved by Garden City.

Land Use Authority Review (Preliminary)

In reviewing a condominium project, the Land Use Authority shall review such things as:

1. Site plans.
2. Geographic layout of the condominium project;
3. Facilities for utility lines, road, and parking areas which will be constructed;
4. The percentage of the project which will be devoted to common or recreational use and whether or not those areas are usable and contiguous, or blocky parcels which are unacceptable; and
5. Contents of the CC&Rs with respect to the standards which must be adhered to concerning maintenance, upkeep, and operation of any roads, utility facilities, recreational areas, and open spaces included in the project.
6. A review of a condominium project shall comply with the process and criteria outlined in the Garden City Municipal Subdivision Code 11E-300, as well as the requirements listed herein.

Final Plat Approval

For a condominium project to receive final approval, the following standards and procedures must be adhered to:

ORDINANCE #25-03
AN ORDINANCE ADDING COMMERCIAL CONDOMINIUM

1. Any person desiring approval from the Land Use Authority for a condominium project shall file the final plat with the Development Staff. Within 30 days of the first meeting at which the Land Use Authority gives consideration to the final plat, a decision shall be made to approve, disapprove, or approve with specific conditions.
2. The final plat shall be distributed by the developer to the appropriate utility companies and to all development review departments of Garden City.
3. Final plats shall:
 - a. Final plats shall be drawn to a scale large enough to clearly show all details, in no case smaller than one inch equals 100’;
 - b. Have a north point, scale, and date;
 - c. Show the name of the condominium project;
 - d. Show the names and addresses of the developer, engineer and surveyor;
 - e. Have contour lines at no more than a five-foot interval;
 - f. Show the boundary lines of the condominium project;
 - g. Show existing sanitary sewers, storm drainage systems, water supply mains, culvert, and irrigation system within the project;
 - h. Show a preliminary utility layout for the condominium project;
 - i. Location of streets, walks, easements, parks and open spaces, all commonly owned structures and property;
 - j. All requirements in the Garden City Municipal Code shall be observed, and all parking facilities shall be clearly shown on the plat;
 - k. Show clearly the construction phases of the project; and
 - l. Have the preliminary declaration.
 - m. Certain items listed above may be waived at the discretion of the Land Use Authority when the condominium project involves the conversion of the existing structures into condominium ownership; however, all conversions must be inspected by the Town prior to preliminary approval to insure compliance to the current building codes.

Recording Required

The final plat when, and only when, it bears all official approvals and required signatures shall be filed for record in the office of the Rich County Recorder.

Requirements

The final plat shall comply in all respects with the requirements for a preliminary plat and in addition shall:

1. Be drawn with waterproof ink on standard grade linen or mylar with trim dimensions of 19” x 30”; and include an 18”x18” mylar of just the plat.
2. Be drawn with the tip of the plat facing either north or west;
3. Be certified and signed by a registered land surveyor licensed to practice in the state of Utah;
4. Have reserved the proper spaces for dedication, certification, approval, or recording as the case may be, for owners, City Engineer; City Attorney, County Health, Land Use Authority, and County Recorder, Public Works, and Mayor;
5. Show proper bearings and dimensions of all project boundary lines, properly tied to public survey monuments.

ORDINANCE #25-03
AN ORDINANCE ADDING COMMERCIAL CONDOMINIUM

- 6. Show widths, lengths, boundaries, bearings, dimensions, and curve data of the centerlines of proposed street (public or private) and easements;
- 7. Show clearly on commercial projects, all parking stalls. For residential project, which parking will be covered, which will be guest or open stalls, and shall also show the layout of all RV parking areas;
- 8. The linear measurements and locations of the exterior boundaries of the building or buildings on the property other than within the boundaries of convertible lands;
- 9. Diagrammed floor plans of the buildings built or to be built on the property, other than within the boundaries of any convertible lands, in sufficient detail to identify each convertible space and physical unit contained within a building including an identifying number or symbol, the official datum elevations of finished and unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions of every such convertible space and unit;
- 10. The size in square feet; and where applicable, the address of each unit in the condominium project; and
- 11. Submit with a set of adopted CC&R's.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED by the Garden City Town Council this 9th day October 2025

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	<u>Aye</u>	<u>Nay</u>
Argyle	___	___
Hansen	___	___
Parry	___	___
Menlove	___	___
Leonhardt, Mayor	___	___ (tie only)

ORDINANCE #25-09

AN ORDINANCE UPDATING CONDITIONAL USES

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE 11C-500 CONDITIONAL USES, BE UPADATED AS FOLLOWS:

11C-501 Purpose. To provide for the regulation of uses to insure their compatible integration in the land use pattern.

11C-502 Conditional Use Permit. An approved conditional use permit shall be required for each conditional use listed in this ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the Town unless a conditional use permit shall have been approved. A conditional use permit runs with the land and shall continue unless the use discontinues as described under I. Time Limit, below.

A. Application. Application for a conditional use permit shall be made at the Town Office on forms provided for that purpose.

B. Development Plan. The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary.

C. Fee. The conditional use permit fee shall be set by resolution.

D. Hearing. A hearing need not be held; however, a hearing may be held when the Planning Commission or the Town Council shall deem a hearing to be necessary to serve the public interest.

E. Planning Commission Action. All Conditional Use Permits go to the Planning Commission who may approve, modify and approve or deny the Conditional Use Permits. The Planning Commission may require regulations and conditions that may be necessary to protect the health, safety and public welfare of the community. When approving a conditional use, the Planning Commission shall ~~findreview each of the following items when considering whether or not the~~ proposed Conditional Use mitigates impacts of and addresses the following items::

~~1. That the proposed use is necessary or desirable and will contribute to the health, safety and general well-being of the community.~~

~~2. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity injurious to property or improvements in the vicinity, or detrimental to the environment of the area;~~

~~3. That the proposed use will comply with the regulations of this ordinance;~~

~~4. That the proposed use is in harmony with the intent of the General Plan;~~

- ~~1. size and location of the site;~~
- ~~2. traffic considerations including capacity of the existing streets in the area;~~
- ~~3. utility capacity, including storm water run-off;~~
- ~~4. emergency vehicle access;~~
- ~~5. location and amount of off-street parking;~~
- ~~6. internal vehicular and pedestrian circulation system;~~
- ~~7. fencing, screening, and landscaping to separate the use from adjoining uses;~~
- ~~8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;~~
- ~~9. usable open space;~~
- ~~10. signs and lighting;~~
- ~~11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;~~
- ~~12. noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;~~
- ~~13. control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas;~~
- ~~14. expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;~~
- ~~15. reviewed for consistency with the goals and objectives of the Garden City General Plan; however such review for consistency shall not alone be binding.~~

~~F. Town Council Action. The Planning Commission has the option to refer any Conditional Use Permits to the Town council for their approval.~~

F. A Conditional Use Permit approval should be an administrative action. If it meets the conditions imposed, you must approve it. It should not be referred to the legislative body. If the applicant feels like the conditions are unreasonable, they can appeal to the Town Council.} The Planning Commission shall approve the conditional use permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably

anticipated detrimental effects of the proposed use in accordance with the foregoing standards. It is not necessary that the detrimental effects of the proposed use be eliminated, just mitigated. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by reasonable conditions, then the planning commission may deny the conditional use.

G. Appeals. Appeal of any decision of the Planning Commission shall be to the Town Council. Appeals shall be in writing and shall be filed at the office of the Town not more than ten (10) working days after the decision of the Planning Commission. If the Town Council's decision is appealed, the final decision will ~~be~~ made by the ~~Board of Adjustments~~ **Appeals Board** who may affirm, modify or reverse the decision of the Town Council. ~~However, the~~ **Appeals Board** shall present, in writing the reasons for its action.

H. Inspection. The building inspector shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the use permit.

I. Time Limit. A Conditional Use Permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion. The Conditional Use Permit shall be null and void if the use has been discontinued for a period of 12 months.

J. Not Transferable. A Conditional Use Permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval. The permit is not transferable off the site to another location.

K. Revocation. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

L. Approval. The planning commission shall make written findings of fact and conclusions of law as to how it arrived at its decision to either approve or deny a conditional use permit. If the planning commission approves a conditional use permit, it shall provide a written permit that can be recorded on title to the property and that clearly outlines the conditions that have been imposed to mitigate the reasonably anticipated detrimental impacts of the conditional issue on surrounding properties.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED by the Garden City Town Council this 9th day of October 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	—	—
Hansen	—	—
Parry	—	—
Menlove	—	—

DRAFT



Cathie Rasmussen <townclerk@gardencityutah.gov>

Ordinance about CUP

Seth Tait <Seth.Tait@oh-pc.com>

Mon, Sep 22, 2025 at 10:56 AM

To: Cathie Rasmussen <townclerk@gardencityutah.gov>, Tracy Fox <tracy.fox@oh-pc.com>

Cc: "Mike Leonhardt [Pepsi-7up]" <mikel@gardencityutah.gov>, Dan Kurek <buildingofficial@gardencityutah.gov>, Shalie Argyle <deputyclerk@gardencityutah.gov>

Cathie:

I reviewed your email and the attached draft ordinance. I am not entirely sure what would be the most helpful for the Council in reviewing this, but here are my comments:

1. Issues related to Traffic and physical design and not normally engineering issues when we're talking about conditional permits. Instead, they are just issues that are reviewed from a lay perspective. For example, if the planning commission was reviewing a conditional use permit for a home business that was an auto mechanic shop to be used in the backyard of a residential zone, the planning commission could consider the traffic the business would attract in the neighborhood and impose a condition of no more than 2 cars parked in the driveway at any given time so it doesn't become a junkyard. This is just an example of how the commission could think about traffic and parking without needing an engineer. So I don't see any problem with items 2 and 11 that were circled on your document.

2. At the bottom of page 2 where it says "A Conditional Use Permit approval shall be an administrative action . . ." that paragraph really should be its own numbered paragraph (as paragraph F) and should read as follows (this is the standard right of out of the State Code):

F. Review of a Conditional Use Permit is an administrative action. The Planning Commission shall approve the conditional use permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the foregoing standards. It is not necessary that the detrimental effects of the proposed use be eliminated, just mitigated. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by reasonable conditions, then the planning commission may deny the conditional use.

3. Regarding the appeals paragraph, there is nothing illegal or wrong about having the appeals go to the Town Council if the Town Council really wants to hear those. In most cities and towns, appeals from conditional use permits go straight to the appeal authority because they are purely administrative decisions. Town Councils are legislative bodies, and the common feeling right now among land use experts is giving the Town Council a purely administrative issue tends to cause confusion and problems.
4. For the paragraph on transferability, that is somewhat addressed in the first paragraph of 11C-502 where it says "A conditional use permit run with the land and shall continue unless the use discontinues as described under I. Time Limit below." The phrase "runs with the land" means that it is not attached to a person, such as the applicant, but it is attached to the land. So if the land is sold, the permit just stays with the land, and the new owner benefits from the permit. I think the clarification in the paragraph on page 3 "Not Transferable" is fine, but maybe you would want to combine these two concepts in the same paragraph.
5. There is a hand-written note that says "missing the approval part." I agree it would be helpful to have some paragraph stating something like the following: "The planning commission shall make written findings of fact and conclusions of law as to how it arrived at its decision to either approve or deny a conditional use permit. If the planning commission approves a conditional use permit, it shall provide a written permit that can be recorded on title to the property and that clearly outlines the conditions that have been imposed to mitigate the reasonably anticipated detrimental impacts of the conditional issue on surrounding properties."

I hope these comments help.

Seth

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ATTORNEYS AT LAW
SINCE 1913

Seth J. Tait

Olson & Hoggan, LLC

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P.O. Box 525

Logan, Utah 84323-0525

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ORDINANCE #25-12

AMENDING THE DARK SKY ORDINANCE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE 11A-600, DARK SKY ORDINANCE, BE UPADATED AS FOLLOWS:

Chapter 11A-600 - Dark Sky Ordinance

11A-601 Title - This ordinance, together with the amendments thereto, shall be known and may be cited as the Garden City Dark Sky Ordinance.

11A-602 Purpose - The general purpose of this Ordinance is to protect and promote safety, **preserve** and the ability to view the night sky, by establishing regulations for exterior lighting. This Ordinance establishes standards for exterior lighting in order to accomplish the following: **and reduce unnecessary light pollution. These regulations are intended to:**

- A. To protect against direct glare, **light trespass**, and excessive lighting ~~brightness~~;
- B. To promote safe roadways for motorists, cyclists and pedestrians **and public areas**;
- C. To protect the ability to view the night sky; **Preserve Garden City's natural night skies for residents and visitors.**
- D. To allow for flexibility in the style of lighting;
- E. To provide lighting guidelines.

11A-603 Scope - All exterior lighting installed after the effective date of this Ordinance in any and all zoning district in the Town of garden City shall ~~be in conformance~~ **comply** with the requirements established by this Ordinance **herein. Replacement of more than twenty-five percent (25%) of exterior fixtures on a property shall require full compliance.** (This ordinance shall be enforced as of December 10, 2015)

11A-604 Criteria - The Planning Commission shall have the authority to require new **and replacement** lighting to meet the recommendations and guidelines of this Ordinance **following standards:**

- A. ~~All area lights, including street lights, parking area lights and landscape lights to be shielded from shining up.~~

~~B. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Sensor activated lights are encouraged.~~

~~C. Upward Flagpole lighting is permitted.~~

~~D. Landscape lighting is allowed.~~

~~E. All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.~~

A. Fixture Shielding

1. All exterior light fixtures shall be fully shielded and directed downward so that no light is emitted above a horizontal plan (180°). (See Illustration 1 and Illustration 4)

B. Light Trespass

1. Outdoor lighting shall be installed and maintained so that no direct light trespasses onto adjacent properties, right-of-way, or waterways. (See Illustration 1 and Illustration 3)

C. Color Temperature

1. All outdoor lighting shall have a correlated color temperature (CCT) of 3,000 Kelvin (K) or lower. (See Illustration 2)

D. Maximum Lumens per Fixture

1. No Individual exterior light fixture shall emit more than one thousand eight hundred (1,800) lumens, approximately equal to two sixty-watt (60W) incandescent bulbs.

E. Motion/Security Lighting

1. Motion or security lighting is permitted provided that each light does not remain on for more than five (5) minutes at a time after the last detected motion and does not trespass onto adjacent properties.

F. Flag Lighting

1. Flags may be illuminated provided the lighting is focused, fully shielded, and does not trespass onto another property.

G. Sports and Recreational Lighting

1. Sports and recreational lighting shall not exceed the horizontal plane (180°).
2. Recreational lighting shall provide illumination only for the surface of play and viewing stands and not for any other areas or applications.
3. The recreational or athletic facility shall extinguish all exempted lighting no later than 10:30 p.m., or within one-half hour after the end of play if play ends before 10:30 p.m.

11A-605 Violations - A violation of this Ordinance or any provision thereof, shall be punishable by a civil penalty established by resolution of the Town Council.

11A-606 Exemptions - This ordinance does not apply to:

A. Temporary emergency lighting used by police, fire, or other emergency services.

B. Lighting required by federal, state, or county regulations.

C. Seasonal holiday lighting between November 15 and January 15, provided it meets the 3,000 K requirement.

11A-607 Compliance Timeline

A. Immediate Compliance: All new construction, remodels requiring building permits, or replacement of more than 25% of exterior fixtures on a property.

B. Commercial and Public Properties: Full compliance required within two (2) years of adoption of this ordinance.

C. Residential Properties: Full compliance required within four (4) years of adoption of this ordinance.

D. Severe Glare/Trespass Fixtures: Fixtures creating significant glare onto adjacent properties or public rights-of-way must be corrected within 90 days of notice.

11A-606 608 Repealer Clause - All Town of Garden City Ordinances, or Resolutions or parts thereof which are in conflict here with **this ordinance** are hereby repealed.

11A-609 Illustrations – The following figures are referenced in this ordinance:

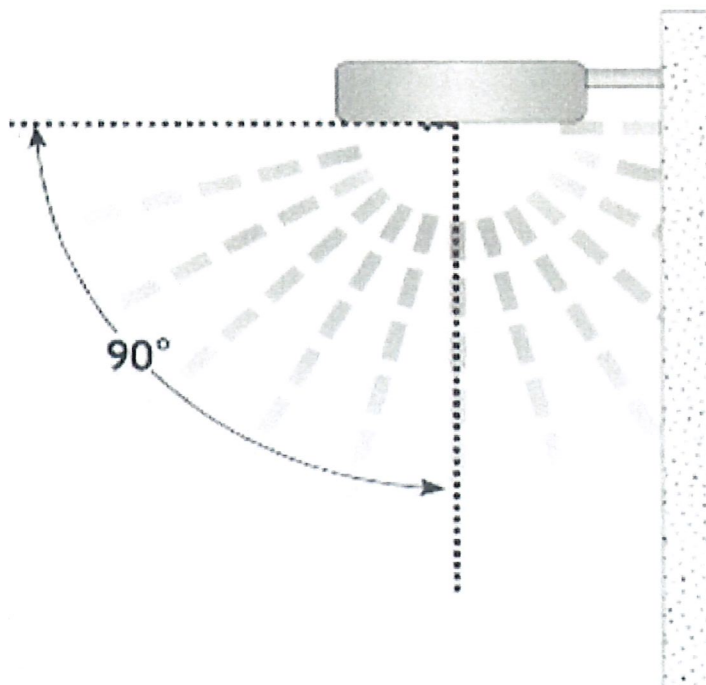
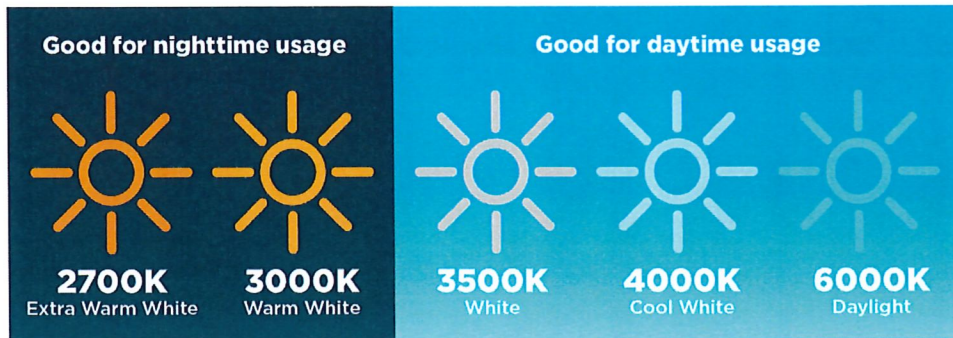
Illustration 1: Light trespass vs. Properly Directed Light

Illustration 2: Color Temperature Guide

Illustration 3: Backlight, Uplight, Glare (BUG) Diagram

Illustration 4: Fully Shielded Fixture Example





If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED by the Garden City Town Council this 9th day of October 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	_____	_____
Hansen	_____	_____
Parry	_____	_____
Menlove	_____	_____
Leonhardt	_____	_____ (tie only)

ORDINANCE #25-13

AMENDING THE COMMERCIAL ZONE ORDINANCE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE 11C-1502, C1 ZONE, BE UPADATED AS FOLLOWS:

11C-1502 C1 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, pool halls and miniature golf course.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7. A single-family residence, **multi-family dwelling** and/or employee housing as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED by the Garden City Town Council this 9th day of October 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	—	—
Hansen	—	—
Parry	—	—
Menlove	—	—
Leonhardt	—	— (tie only)